

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

WILLIAM LAKE, LLC

PLAINTIFF

VS.

CIVIL ACTION NO. 3:24-cv-605-DPJ-ASH

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**NOTICE OF REMOVAL**

Defendant, State Farm Fire and Casualty Company, by and through counsel, presents this Notice of Removal of the cause described below from the Circuit Court of the First Judicial District of Hinds County, Mississippi, to the United States District Court for the Southern District of Mississippi, Northern Division, pursuant to 28 U.S.C. §§1332, 1441, and 1446, and state as follows:

**I. JURISDICTION AND VENUE**

1. This civil action was originally commenced by Plaintiff in the Circuit Court of the First Judicial District of Hinds County, Mississippi, against State Farm Fire and Casualty Company and John Does 1-5, and proceeded in that Court under cause number 24-619. Plaintiff filed its Complaint on August 30, 2024. The Complaint was served on State Farm Fire and Casualty Company's agent for service of process on September 13, 2024.

2. This Court has jurisdiction over this matter, and this matter is properly removed to this Court, pursuant to 28 U.S.C. §§1332, 1441 and 1446.

## **II. DIVERSITY OF CITIZENSHIP JURISDICTION**

3. This action is properly removed to this Court pursuant to 28 U.S.C. §§1332 and 1441, since the parties to this matter are of entirely diverse citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. Complete diversity of citizenship exists between Plaintiff and Defendant, State Farm Fire and Casualty Company.

## **III. PARTIES**

5. According to the allegations of the Plaintiff's Complaint, Plaintiff, at the time of the filing of the Complaint, was a limited liability company with its principal place of business in Hinds County, Mississippi. (See Complaint, Exhibit "A", paragraphs 1).

6. William Lake, LLC is formed under and exists pursuant to the laws of the State of Mississippi. (See formation form attached hereto as Exhibit "B"). The sole member of William Lake, LLC is William Lake, who is a citizen of the State of Mississippi. (See Exhibit "C"). Because the Plaintiff's sole member is a citizen of the State of Mississippi there is complete diversity of

citizenship between the Plaintiff and the Defendant State Farm Fire and Casualty Company.

7. Defendant State Farm Fire and Casualty Company is a corporation organized and existing under and pursuant to the laws of the State of Illinois, and not Mississippi, having its principal place of business in the State of Illinois.

#### **IV. AMOUNT IN CONTROVERSY**

8. The amount in controversy exceeds \$75,000, exclusive of interest and costs, as evidenced by the claims alleged in Plaintiff's Complaint. Although the Plaintiff's Complaint does not specify an amount sued for, it is clear from the face of the Complaint that the amount in controversy exceeds \$75,000.00. According to the allegations of the Plaintiff's Complaint, the Plaintiff seeks contract damages including alleged loss of property and lost rents for the rental property, along with allegations of bad faith breach of contract, and demands for contract damages, punitive damages, attorney's fees, and expert witness fees. See Complaint attached hereto as Exhibit "A".

9. Plaintiff's claim for unspecified punitive damages is alone sufficient to meet the jurisdictional limit of this Court pursuant to Mississippi law. See *Brasel v. Unumprovident Corp.*, 2001 WL 1530342 (N.D. Miss., Oct. 25, 2001); *Myers v. Guardian Life Ins. Co. of America, Inc.*, 5 F.Supp. 2d 423, 428-429 (N.D.

Miss. 1998); *Marcelv v. Poole Co.*, 5 F.3d 81, 84-85 (5th Cir. 1993); *Allstate Ins. Co. v. Hilben*, 692 F. Supp. 698, 701 (S.D. Miss. 1988)); see also *Montgomery v. First Family Fin. Serv Inc.*, 239 F. Supp. 2d 600, 605 (S.D. Miss. 2002) (Mississippi federal courts consistently hold that an unspecified amount claimed as punitive damages under Mississippi law is deemed to satisfy the amount in controversy requirement for federal diversity jurisdiction). The Plaintiff's demand for punitive damages, combined with the actual damages sought clearly satisfy the amount in controversy requirement.

10. Accordingly, this civil action is one in which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, since it is a civil action between citizens of different states with the amount in controversy in excess of \$75,000.00, exclusive of costs and interest, and this action is hereby removed to this Court pursuant to 28 U.S.C. § 1441.

#### **V. CONCLUSION**

11. A copy of all process, pleadings and orders previously filed in the Circuit Court of the First Judicial District of Hinds County, Mississippi, is attached hereto as Exhibit "D" to this pleading.

13. Pursuant to 28 U.S.C. § 1446 a copy of this Notice of Removal is being provided to the Clerk of the Circuit Court of the

First Judicial District of Hinds County, Mississippi, and written notice of the filing of this Notice of Removal is being given directly to all parties or through their counsel of record.

14. Pursuant to this removal and the clear provisions of 28 U.S.C. § 1446, there should be no further proceedings in the Circuit Court of the First Judicial District of Hinds County, Mississippi.

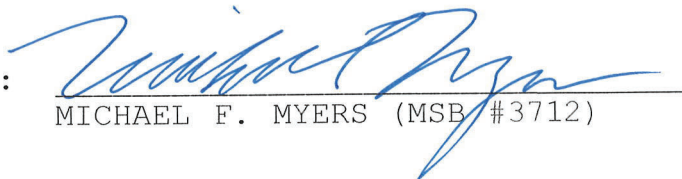
WHEREFORE, THE ABOVE PREMISES CONSIDERED, Defendant, State Farm Fire and Casualty Insurance Company, respectfully requests this Court to properly assume full jurisdiction over the Plaintiffs' claims against it.

This the 3rd day of October, 2024.

Respectfully submitted,

**STATE FARM FIRE AND CASUALTY COMPANY**

BY:

  
MICHAEL F. MYERS (MSB #3712)

OF COUNSEL:

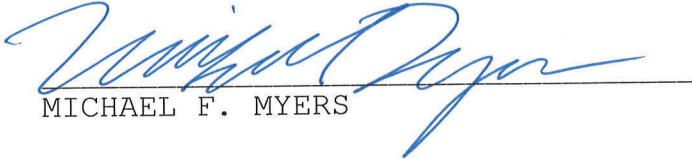
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this date filed and mailed a copy of the foregoing to the following:

Michael J. Thompson, Jr., Esq.  
THOMPSON LAW OFFICE, PLLC  
P. O. Box 280  
Gulfport, MS 39502

THIS, the 3rd day of October, 2024.

  
MICHAEL F. MYERS